

IOWA STATE BAR ASSOCIATION
2019 Affirmative Legislative Program

Updated 4/8/2019

Bill No.	Subject	Bill Description	Bill Status
HF 723/ SF 569	Business Law Uniform Protected Series Act	The Uniform Protected Series Act provides a comprehensive framework for the formation and operation of a protected series limited liability company. A protected series LLC has both “horizontal” liability shields, as well as the standard “vertical” liability shield. All modern business entities provide the traditional, “vertical” shield – protecting the entity’s owners (and their respective assets) from automatic, vicarious liability for the entity’s debts. A series limited liability company provides “horizontal” shields – protecting each protected series (and its assets) from automatic, vicarious liability for the debts of the company and for the debts of any other protected series of the company. A horizontal shield likewise protects the series limited liability company (and its assets) from creditors of any protected series of the company. The legislation integrates the Act into Iowa’s existing chapter 489 on LLCs. Repeals Iowa Code § 489.407(2)(f), <i>viz.</i> , “Approve a merger, conversion, or domestication under Article 10.”, and leave § 489.407(2) otherwise intact. Article 10 already requires unanimous consent as a default rule.	Has passed both chambers and is awaiting Governor’s signature.
HF 324/SF 112	Probate & Trust Law Certification of Trust Code Changes	Amend Section 633A.4604(2) to allow any current trustee or an attorney for a current trustee to sign off on and execute certification of trust documents instead of requiring every trustees signature.	HF 324 on House unfinished business calendar. SF 112 in House and passed on file as companion.
HSB 20/ SF 604	Probate & Trust Law Calculation of Probate Court Costs	Iowa Code §633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services.	House: Funneled Senate: Unanimously passed Senate Ways & Means. Placed on Ways & Means Calendar.

<p>HF 336/ SF 158</p>	<p>Criminal Law PCR Record</p>	<p>Revisions to Chapter 822. Over approximately the last four years, county attorneys, defense lawyers, and the Attorney General have had significant problems obtaining access to underlying files for postconviction cases. In particular, effective postconviction litigation generally requires the underlying criminal file, as well as any prior postconviction files. Currently, the way that court clerks handle these postconviction file requests can vary widely from county to county. These inconsistent practices have resulted in attorneys and indigent defendants representing themselves <i>pro se</i> encountering extreme difficulty or confusion in acquiring the necessary documents for their cases. Working in collaboration with the Iowa Judicial Branch, the proposed legislation works to implement a uniform process for clerks and attorneys to follow that would resolve this confusion, for both the prosecution, the defense, and judicial branch employees.</p>	<p>HF 336 on House unfinished business calendar.</p> <p>SF 158 in House and passed on files as companion.</p>
<p>SSB 1242</p>	<p>Probate & Trust Law Family Law Guardianship & Conservatorship Update</p>	<p>Update and Revisions to Iowa’s guardianship and conservatorship laws based upon the Probate Section’s review of chapter 633 and the Iowa Supreme Court’s Guardianship & Conservatorship Reform Task Force.</p>	<p>Senate: Introduced and Funneled.</p>
	<p>Government Practice ABD “Good Moral Character”</p>	<p>Amends Iowa Code section 123.3(34)(a) definition of “Person of Good Moral Character” to clarify what to consider when determining good moral/financial standing. This is partially addressed in the Administrative Rules but the Government Practice Section believes this should either be more clearly defined in rule or be codified to provide better implementation and uniformity.</p>	<p>Working with Iowa Alcoholic Beverages Division to include the ISBA definition in their division bill covering licensing reform or by Administrative Rule.</p>

<p>HF 328/SF 152</p>	<p>Elder Law Section Clarifying definition for Vulnerable Edler in Iowa’s Elder Abuse Law</p>	<p>This proposal amends Iowa Code section 235F.1(17), the definition of vulnerable elder. Currently, “Vulnerable elder” is defined as “a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of age or a mental or physical condition. This proposal changes the definition of "vulnerable elder" to mean “a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of a mental or physical condition or because of a personal circumstance which results in an increased risk of harm to the person. ”This change aims to clarify a Supreme Court decision that held that age alone was enough to prove that an individual is vulnerable, making every person over the age of 60 in Iowa a vulnerable adult unable to protect themselves. This change makes it clear that age alone is not enough, but must be accompanied by something more. This amendment ensures that older Iowan’s autonomy in decision making is protected.</p>	<p>HF 328 placed on House unfinished business calendar.</p> <p>SF 152 placed on Senate unfinished business calendar.</p>
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In addition to the above legislative proposals, the Iowa State Bar Association supports the following positions as a part of its 2019 Affirmative Legislative Program:

- Full funding of indigent defense and adoption of legislation providing for \$5.00 per hour increase with an automatic cost of living increase in indigent defense fees.
- Full Funding of the Judicial Branch.
- Full funding for Legal Services.
- Full funding of the IA Secretary of State’s Office as requested by IA Secretary of State Paul Pate.
- Full funding for the Office of Substitute Decision Maker to protect the interests of Iowans who have no one else to manage their financial and health care needs.
- Support child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.
- Oppose the legalization of title insurance.
 - Will monitor issues regarding lawyer abstracting under Iowa Title Guaranty.
- Oppose absolute immunity legislation.

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